

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GEMAK GEMI INSAAT SANAYI VE
TICARET A.S.

Plaintiff,

v.

ANGOL LIMITED, as owner of the M/V
ANGOL, and FS ANDES LTD.,

Defendants.

C.A. No. 1:20-cv-00700-MN

IN ADMIRALTY, Rule 9(h)

ORDER

Before the Court is the Emergency Uncontested Motion of Defendant Angol Limited, as owner of the M/V ANGOL (the “Vessel”) seeking an Order vacating the attachment of the Vessel upon the posting of substitute security in the sum of **\$569,920.00** (FIVE HUNDRED SIXTY-NINE THOUSAND NINE HUNDRED TWENTY AND 00/100 DOLLARS) into the Court’s registry.

Several rules and statutes govern the release of vessels via the remittance of substitute security. Fed. R. Civ. P. Supp. E(5)(a) provides:


Whenever process of maritime attachment and garnishment or process in rem is issued the execution of such process shall be stayed, or the property released, on the giving of security, to be approved by the court or clerk, or by stipulation of the parties, conditioned to answer the judgment of the court or of any appellate court.

The Court hereby FINDS that the amount of substitute security is fair and reasonable.

Accordingly, it is hereby **ORDERED** that:

1. The Motion to Approve Substitute Security is GRANTED.
2. The Clerk is directed to accept the payment in the sum of \$569,920.00 (FIVE HUNDRED SIXTY-NINE THOUSAND NINE HUNDRED TWENTY AND 00/100 DOLLARS) ("the Funds") on behalf of Angol Limited into the registry of the court.
3. Payment shall be made either by a check made payable to "Clerk U.S. District Court" or via wire transfer *as long as* the initiating bank does not have any dollar limitations on the amount of money it can wire. Should the parties wish to utilize a wire transfer, they shall contact the Finance Department of the Clerk of Court ((302) 573-6135) to obtain the wire transfer instructions.
4. The Funds shall be placed in an interest-bearing account in the name of "Clerk of the Court of the United States District Court for the District of Delaware, Civil Action No. 20-700 (MN)."
5. Upon the Clerk's verification that the required cash deposit in the sum of **\$569,920.00** (FIVE HUNDRED SIXTY-NINE THOUSAND NINE HUNDRED TWENTY AND 00/100 DOLLARS) has been remitted to the Court's registry, the substitute custodian is ordered to release the Vessel.

DONE AND ORDERED this 28th day of May, 2020.


The Honorable Maryellen Noreika
United States District Judge